

Minutes of the Regular and Special Meeting November 25, 2003

Twin Pines Senior and Community Center, 1223 Ralston Avenue.

SPECIAL MEETINGS:

CLOSED SESSION, 7:00 P.M.

A. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b):

Anticipated Litigation, One Case

Attended by Councilmembers Feierbach, Warden, Bauer, Mathewson, Metropulos, City Manager Kersnar, City Attorney Savaree, Assistant City Manager Rich, Finance Director Fil. City Clerk Cook was excused from attending.

B. Conference with Legal Counsel, pursuant to Government Code Section 54956.9(b):

Anticipated Litigation, One Case

Attended by Councilmembers Feierbach, Bauer, Mathewson, City Manager Kersnar, City Attorney Savaree, Attorney Lee Rosenthal, Assistant City Manager Rich, Finance Director Fil. Councilmembers Warden and Metropulos recused themselves from this item. City Clerk Cook was excused from attending.

This meeting not tape recorded or videotaped.

Terri Cook

City Clerk

REGULAR MEETING

CALL TO ORDER, 7:30 P.M.

Councilmembers Present: Feierbach, Mathewson, Warden, Bauer, Metropulos

Councilmembers Absent: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Finance Director Fil, Community Development Director Ewing, City Clerk Cook.

Pledge of Allegiance

Led by City Clerk Cook.

ANNOUNCEMENT OF CLOSED SESSION ITEM

Mayor Metropulos announced that direction was given but no action was taken at the closed sessions held earlier in the evening.

SPECIAL PRESENTATIONS

Proclamation Honoring Eagle Scout Recipients, Lance Bailey, Andrew Hutchison, and Joshua Herbach.

Mayor Metropulos presented proclamations to the honorees, and described their Eagle Scout projects. He commented that these scouts were good role models for the community.

Lance Bailey, on behalf of Troop 27, thanked the Council for its past and present support to the troop. He stated that scouting is devoted to the community.

Proclamation Honoring "A Christmas Carol" Month in December

Mayor Metropulos read the proclamation in honor of Notre Dame de Namur University's 18th annual free production of "A Christmas Carol". He stated that during the previous year's production, four tons of food and 1,400 toys were donated. Cast members were present in costume to receive the proclamation on behalf of the production.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Carol Hatfield, Friends of Belmont Library, announced an upcoming Community Meeting to be held on December 11 at 7:00 p.m. at the library. She stated that the latest schematic drawings for the new library would be shared at that time.

Jason Oringer, with UNITE, spoke regarding the City's contract with Cintas, a company that provides laundry, uniform and floor mat services. He stated that the Cities of Hayward and San Leandro have cancelled their contracts

with Cintas due to noncompliance, discrimination, and health and safety issues. He provided copies of recent newspaper articles to the Council regarding this issue, and stated that other entities are no longer doing business with Cintas.

Rick Frautschi, Folger Drive, urged the public to contact CalTrain regarding its upcoming adoption of weekend service options, one of which eliminates Belmont as a scheduled stop. He stated that the comment period ends on November 28.

City Manager Kersnar responded that the Mayor had sent a letter on behalf of the City to CalTrain requesting the retention of Belmont on its weekend schedule.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Warden stated that modifications may be made to the Joint Powers Agreement with the Library System affecting the County's monetary contribution toward library operations.

City Manager Kersnar stated that the Library JPA Board would need to conceptually agree to the modifications, and that the matter would be taken up by the Board sometime between January and March of 2004.

Mayor Metropulos announced that he, along with Councilmembers Feierbach and Mathewson, had recently judged business plans produced by Economic students at Carlmont High School. He stated they were very impressed with the presentations.

Mayor Metropulos also announced that Governor Schwarzenegger's recent action to lower the Vehicle License Fee (VLF) would impact Belmont services by \$90,000 per month, or \$1.1 million per year. He stated that the City was urging the Governor to restore the funds.

ITEMS APPROVED ON THE CONSENT CALENDAR

Approval of meeting minutes: Regular Meeting of October 28, 2003
(Mathewson, abstain)

Motion to waive reading of Ordinances.

Approval of Resolution 9486 Adopting Revised Personnel Rules and Regulations.

Approval of Resolution 9487 Adopting Amended Joint Powers Agreement with The Bay Area Employee Relations Service.

Approval of Resolution 9488 Rejecting All Bids for Sanitary Sewer Rehabilitation Project, Basins 4, 5, & 6 (El Camino Real west to Crest of Hills), City Contract No. 454.

Approval of Resolution 9489 Amending Art in Public Places Policy.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Consent Agenda was approved by a by a show of hands, 4-0-1 (Mathewson, abstain on Minutes of October 28, 2003.)

PUBLIC/HEARINGS

Public Hearing to adopt amendments to Chapter 22, Article I, Sections 22-1 through 22-40 of the Belmont Municipal Code, Encroachments (first reading).

City Attorney Savaree reviewed the proposed amendments as discussed by Council at a prior meeting. She clarified that the amendments were minor, and language was changed for clarity. She reviewed the definitions for minor administrative encroachments, and the provisions for appealing the denial thereof. She clarified that the Council still retained authority over major, unusual, and permanent encroachments, which usually involved retaining walls and parking pads. She outlined the findings to be made, including the requirement of a finding of public benefit. She reviewed the application process, including a fee set out in the Master Fee Schedule, as well as bonding, insurance, and maintenance requirements. She stated that the owner is responsible for removal if the City requires the use of the property in the future.

Mayor Metropulos opened the Public Hearing. No one came forward to speak.

Action: On a motion made by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

Council discussion ensued, during which staff clarified definitions, enforcement, and noticing provisions. Public Works Director Davis noted that the majority of encroachment permit requests were minor, requiring only administrative approval. He stated that notification would be burdensome for routine requests, since they are issued over-the-counter.

Councilmember Warden stated that he had a concern regarding items not requiring Council action, but which may affect a property owner, such as placement of a fire hydrant, mailbox, or utility box.

Council concurred to require 300-foot noticing when someone other than the property owner has requested an administrative encroachment permit.

Action: On a motion made by Councilmember Mathewson, seconded by Councilmember Warden, an ordinance amending Chapter 22, Article I, Sections 22-1 through 22-40 of the Belmont Municipal Code, Encroachments was unanimously introduced, as amended, by a show of hands, further reading waived, and second reading and adoption was set for December 9, 2003.

NEW BUSINESS

Discussion and direction regarding amendments to Belmont City Code Chapter 25, Trees.

City Attorney Savaree stated that she had collected information from other cities regarding protected trees, and the method of payment for their removal, if permitted. She clarified that the City of Pleasanton provided a model that appeared to closely match the needs of the City of Belmont.

Councilmember Feierbach stated that the current ordinance provides for only a \$50 contribution to the General Fund for the removal of a heritage tree, but that the value of the tree is much greater. She also stated that some cities do not allow the removal of heritage trees at all, and that trees are important to Belmont. She would like to see a separate fund established for tree removal fees to pay for the planting of new trees elsewhere in the City.

Councilmember Bauer stated that he liked the current tree replacement requirement, and was concerned about reassigning the cost to elsewhere in the City. He further stated that the City should not hamper or prevent an owner from developing his property.

Councilmember Mathewson stated that the issue is the size of the tree, and that 24- or 36-inch box trees grow faster. He would like to see a better mitigation structure, and agrees it should be fair, but more than a minimal amount.

Councilmember Metropulos stated that he agreed with the size requirement and the creation of a separate fund, and would like the fee to be fair and reasonable.

Council and staff discussion ensued regarding tree values, replacement requirements and location.

Staff concurred to obtain appraisal values from the City's arborist, and bring the issue back to Council for further consideration.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Council Intergovernmental Assignments for Year 2004.

City/County Association of Governments Boards (C/CAG) Delegate Bauer; Alternate Mathewson

South Bayside System Authority Delegate Feierbach; Alternate Mathewson

South County Fire Authority Delegate Feierbach; Delegate Warden

Peninsula Traffic Congestion Relief Alliance Delegate Mathewson; Alternate Bauer (this assignment to be reviewed in six months)

ABAG General Assembly Representative Delegate Mayor; Alternate Vice Mayor

San Mateo County Mosquito Abatement District Citizen Representative Robert Blake (through 12/31/06)

San Mateo County Library JPA Delegate Warden; Alternate Mathewson

Business Roundtable Delegate Bauer; Delegate Warden

Liaison to Finance Commission Delegate Vice Mayor, Alternate Mathewson

School Liaison 2+2 meeting: Delegate Mathewson; Delegate Feierbach; Alternate Warden

Liaison Committee with other Cities Delegate: Mayor, Delegate Vice Mayor

Harbor Industrial Area Liaison Representative Feierbach, Representative Bauer

Liaison Senior Citizen Advisory Committee Delegate Metropulos; Alternate Warden

Notre Dame de Namur University Advisory Board Representative Mayor; Alternate Vice Mayor

League of California Cities Delegate Mayor, Alternate Vice Mayor

SFO Roundtable Representative Delegate Feierbach; Alternate Warden

San Mateo Operational Civil Defense & Disaster Council (OES) Delegate
Bauer, Alternate Warden

San Mateo County Council of Cities Delegate Mayor, Alternate Vice Mayor

City Selection Committee Delegate Mayor, Alternate Vice Mayor

San Mateo County Housing Endowment and Trust (HEAT) Delegate
Mathewson; Alternate Feierbach

Action: On a motion made by Councilmember Mathewson, seconded by Councilmember Bauer, the assignments listed above were unanimously approved by a show of hands. Council concurred to revisit the Peninsula Congestion Relief Alliance assignment in six months.

Council Assignment Considered Separately (San Juan Canyon Subcommittee)

Councilmembers Warden, Mathewson, Bauer and Feierbach each expressed a desire to serve on this subcommittee.

Action: A motion was made by Councilmember Warden, seconded by Councilmember Feierbach, to appoint Councilmembers Mathewson and Feierbach as the representatives to the San Juan Canyon Subcommittee.

Councilmember Bauer stated that this committee needs balance, and without a planning background, he could bring perspective and balance to the committee.

Mayor Metropulos stated that since he does not have a planning background, he would not be able to contribute to this committee.

Action: On the motion stated previously by Councilmember Warden, seconded by Councilmember Feierbach, Councilmembers Mathewson and Feierbach were appointed to the San Juan Canyon Subcommittee by a show of hands, 3-2 (Bauer, Metropulos voted no).

RECESS: 9:10 P.M.

RECONVENE: 9:20 P.M.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration to direct Finance Commission to consider Fire Authority budget and long-term planning for fire services as top priority (Warden).

Councilmember Warden stated that the South County Fire Authority's (SCFA) budget was in jeopardy since the parcel tax measure on the November 4 ballot did not pass. He would like to direct the Belmont Finance Commission to review the budget in reference to overtime costs, staffing, sharing of employees, and other issues. He stated he would be making a formal request of the SCFA board for this budgetary review. He commented that the Finance Commission is an objective, non-political body. He clarified that this is not a finance department issue, but is one of revenues versus expenditures, which will only worsen in two years. He stated that the Authority is facing a \$3 million deficit.

In response to Councilmember Bauer, Finance Director Fil stated that the Authority's financial issues are complicated. He added that this review could be time consuming, and if undertaken, the scope of work and realistic expectations should be made clear. He clarified that the Finance Commission is not under the authority of SCFA.

Councilmember Feierbach stated that there is a need for both short- and long-term solutions, and her concern was about the short-term. Councilmember Warden stated that the SCFA has taken care of the short-term solutions, but there is a need to look at the budget for the long-term.

Consideration to eliminate recommendation sections from staff reports (Warden).

Councilmember Warden stated that he would like to eliminate staff recommendations from land-use decisions. He added that staff does not provide alternatives to its recommendations. He commented that an applicant depends upon staff recommendation, and when the Council disagrees, the issue becomes adversarial. He clarified that he was recommending this only for third-party applications and entitlements, not for staff-generated issues.

Councilmember Feierbach stated that the staff recommendation is only one ingredient she uses in making a determination. She commented that not having a recommendation would force Council to do more homework on issues, and added that former staff members used to give alternatives.

Councilmember Mathewson stated that he could see the merit to this idea, but that it could be burdensome to staff. He commented that he would be willing to explore the ramifications.

Councilmember Bauer stated that he is not a land-use expert, and depends on staff for recommendations. He added that the recommendation is an opinion, but that Council makes the decision. He was opposed to this idea.

Councilmember Metropulos stated that it is important to have a recommendation, especially for unfamiliar issues. He commented that he would like to see a minority report, or have staff provide alternatives.

Councilmember Warden stated that a minority report could be beneficial if staff has difficulty in reaching consensus on a recommendation.

City Manager Kersnar stated that staff could provide a report to Council on this issue in January. Council concurred that this is not a high priority.

Discussion regarding Traffic Calming devices in the Sterling Downs Neighborhood (Feierbach).

Councilmember Feierbach stated that the Sterling Downs Neighborhood Association was receiving complaints regarding the newly installed traffic calming devices. She commented that these devices were not working, not attractive, potentially dangerous, and not a good solution.

William Dickenson, President, Sterling Downs Neighborhood Association, stated that there were two areas of concern: safety and aesthetics. He commented that concerns could have been avoided if the Traffic Calming Program had been used in the design of a solution. He added that he would like to have a public hearing to reach a mutually agreeable solution.

Joe Dermenjian, Middlesex Road, stated that he was concerned about safety with these devices. He added that his mother ran into one of the devices when she swerved to avoid a truck, which damaged her tire and wheel. He stated that she could have hit children.

City Manager Kersnar stated that staff would prepare a report to Council regarding this history of this project.

ADJOURNMENT at this time being 9:55 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #567